



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

August 30, 2006

SUBJECT: **2006-0714** – Application located at **1210 Oak Creek Way** (near Manzano Way) in an R-0 (Low Density Residential) Zoning District.

Motion Variance from Sunnyvale Municipal Code section 19.34.030 to allow a 9 foot 8 inch front yard setback where 20 feet is required. The one-story 1,007 square foot addition includes living area and a two-car garage.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

Surrounding Land Uses

North Single Family Home

South Single Family Home

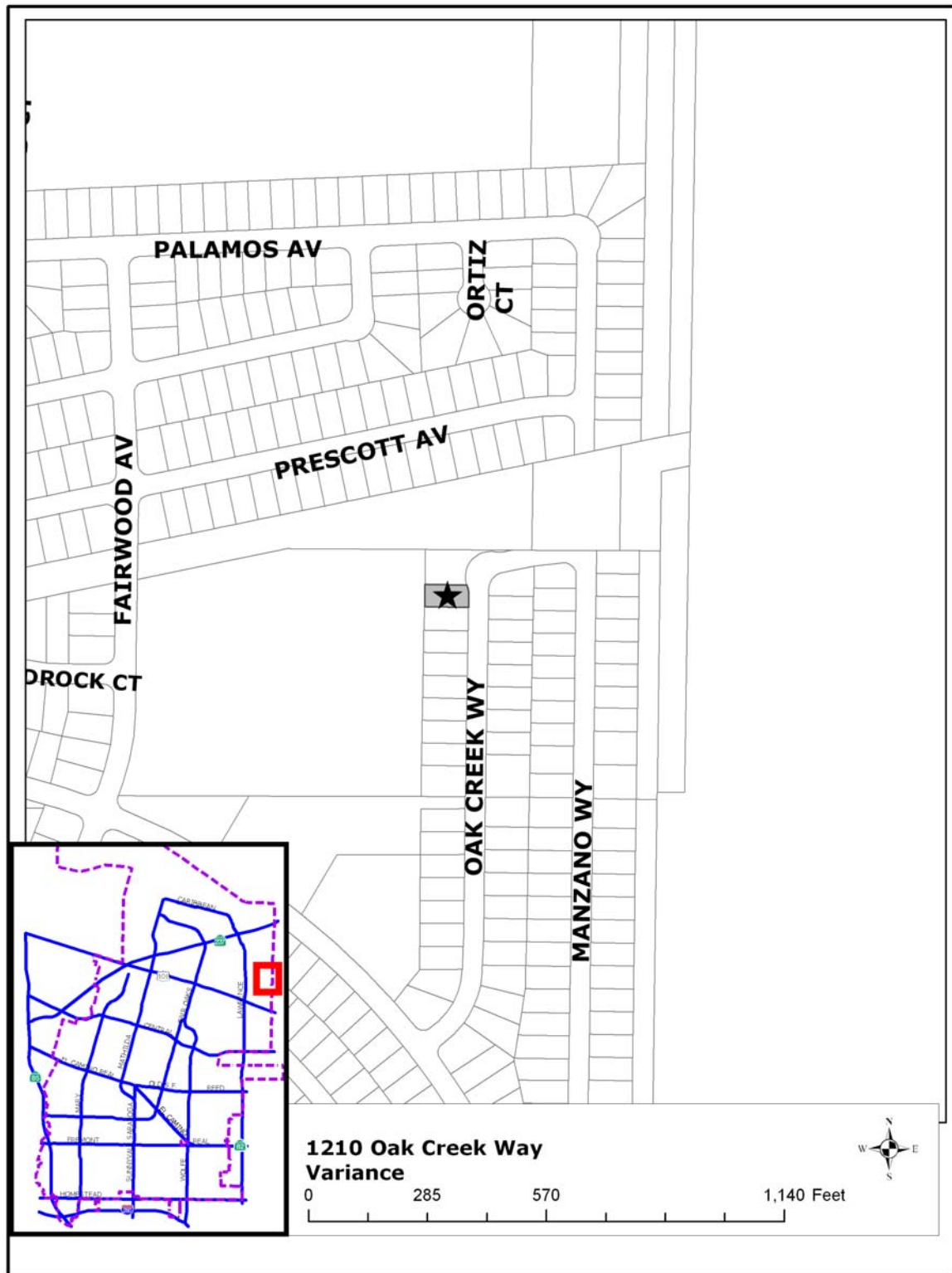
East Single Family Home

West Single Family Home

Issues Setbacks

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Denial



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	Same	R-0
★ Lot Size (s.f.)	5,352	Same	6,000 min.
Gross Floor Area (s.f.)	1,402	2,409	No. max.
Lot Coverage (%)	26%	45%	45% max.
Floor Area Ratio (FAR)	26%	45%	45% max. without PC review
Building Height (ft.)	Approx. 14'	17' 9"	30' max.
No. of Stories	1	Same	2 max.
Setbacks (First/Second Facing Property)			
★ Front	15'	** 9' 8"	20' min.
Left Side	7'	Same	12' combined min. (4' on one side)
Right Side	5' 6"	Same	12' combined min. (4' on one side)
Rear	41' 5"	20'	20' min. (10' permitted for 25% encroachment of rear yard)
Parking			
Total Spaces	2	4	4 min.
Covered Spaces	1	2	2 min.

★ Starred items indicate existing deviations from Sunnyvale Municipal Code requirements. ** The Variance request is to encroach further into the required front yard setback.

ANALYSIS**Description of Proposed Project**

The proposed project is to allow a Variance from front yard setbacks to enable a garage addition at the front of the house to allow the parking of two vehicles. Additional area at the rear of the home will accommodate two bedrooms, an

office, library and a bathroom. The size of the addition would total approximately 1,007 s.f. As the home exceeds 1,800 s.f. (2,409 s.f.) and three bedrooms, a two car garage is necessary in order to meet City ordinance requirements to accommodate two covered parking spaces.

Background

Previous Actions on the Site: There are no previous planning applications related to the subject site.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 5 Categorical Exemptions include minor Variances for single-family home additions.

Variance

Site Layout: The layout of the home is typical of most mid-block properties on the street. A unique characteristic of this particular site, although others exist, is that the front property line is slightly angled at the southwest corner. At this corner, the existing front yard setback is 15 feet, which does not meet current R-0 Zoning Standards. The applicant proposes to encroach further into this setback to approximately 9' 8" for a new two-car garage. (See Site Plan in Page 1 of Attachment C.) As noted in the "Project Data Table" all other setback requirements would be met as a result of this project.

If approved, staff has included a Condition of Approval #1E to remove an existing shed that was built without permits. The shed is positioned slightly beyond the front setback of the existing garage and within the side yard; therefore, the structure does not meet the required setbacks. The shed can be seen in the first photo of Attachment E.

Architecture: Currently the home contains a low-pitched roof similar to many other homes in the neighborhood. The applicant proposes to increase the roof slope of the home to 4' x 12' pitch. Most homes contain a similar roof pitch to the existing home; however certain homes in the neighborhood and more recent additions have varied roof pitches that are similar to what is proposed. Additionally, the roof will be modified at the entry way to a similar pitch as the garage extension. The roof material will be composed of a 50 year dimensional composition as proposed and conditioned (C.O.A #2B). Stucco siding is proposed to be utilized to match the existing building. (Architectural elevations are provided in Page 2 of Attachment C.)

Landscaping: With the exception of increased paving needed for the driveway, there are not proposed changes to the landscaping on site. No tree removals are proposed.

Parking/Circulation: The site currently contains a one-car-side loading garage that was converted to living space without permits. The application involves the conversion and expansion of the side-loading garage to 400 square feet for the parking of two vehicles.

No more than 50% of the required front yard can be composed of impervious surface. If the Variance is approved, the required front yard would be reduced to the setback of the extended garage (9' 8" – 12' 10") and then increase back 20 feet where there is mostly paved surface. The addition would result in approximately 55% to 60% landscaping. Traditionally, the required setback would be the first 20' of the property; therefore the required front yard would be approximately 35% landscaped which would not meet current code requirements. Additional paved area will be installed to allow for access to the larger garage; however, staff has included as Condition of Approval #1G, reducing new paving where possible while maintaining direct access to the garage.

In order to meet setback requirements, approximately 4' 6" would need to be reconfigured from the existing layout of the home. Additional area would also be needed to accommodate the required 400 square feet minimum garage area. Alternatively, a front-loading two car garage or carport could be positioned at the opposite side, with a 20 foot setback. This configuration would also take out approximately four and half feet (with additional area to meet the 400 square foot requirement) from the existing house. This second possible configuration would require less area to be taken from the existing home, as the first alternative would need more driveway access. The likely result each of these scenarios would be that more living area could be configured to the rear of the property. Staff notes that the site has ample area to expand given the large backyard. These alternatives would also decrease the amount of impervious surface within the required front yard.

Upon site visit, staff noted two vehicles on the property appear to be in inoperable condition. (See Site Photos in Attachment E.) Staff recommends that these vehicles be removed or be repaired to working condition per Condition of Approval #1E.

The following Guidelines were considered in analysis of the project parking and circulation.

Single Family Home Design Techniques - Parking	Comments
<i>3.2 I. In neighborhoods where garages are located in front of the homes and where lot width allows, consider the use of side loaded garages.</i>	The neighborhood consists of a mix of garage configurations at the front of the home. The proposal would enlarge an existing side-loaded garage(converted) to allow parking for two vehicles.

Compliance with Development Standards/Guidelines: As a result of this project, the site would maintain a 9'8" setback where 20 feet is required. All other development standards would be met including lot coverage and side and rear setbacks.

Expected Impact on the Surroundings: Staff notes the following factors when evaluating the subject site:

- The property is the second smallest lot on the street. Most lots are approximately 50 square feet larger with a few parcels greater than the minimum 6,000 square foot standard.
- The narrow lot, approximately 54' width, is consistent with the neighborhood.
- A garage expansion or relocation would require significant modification to the existing floor plan to meet zoning standards.
- A smaller addition of approximately 397 square feet would not require an expansion of the garage and Variance.
- The addition would result in a front yard setback closer than any lot within the neighborhood.

Staff notes that there appear to be other properties within the neighborhood that have a front yard setback closer than the required 20 feet similar to the subject property; however, staff has not considered any further encroachment proposals in this neighborhood. Staff finds that the reduced setback would present a negative visual impact to the surrounding area and could set a precedent for the similar expansion of nearby homes. The neighborhood contains a mix of properties with one and two-car garages that meet the required setbacks. Many of these homes also contain side-loading garages. Reconfiguring the layout to place the garage outside the front yard setback (or without further encroachment of a non-conforming setback) would bring the property into conformance with the neighborhood. These alternatives would also reduce the amount of impervious area on site.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Staff has not received any written comments from the public regarding this application.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 5 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website

Conclusion

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Deny the Variance.
2. Approve the Variance with the attached conditions.
3. Approve the Variance with modified conditions.

Recommendation

Recommend Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Justifications from the Applicant
- E. Site Photos

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. *(Finding Not Met)*

The lot is considered undersized at approximately 5,352 square feet and the shape of the lot is relatively unique within the neighborhood. Staff notes that other properties in the neighborhood also have similar conditions including a non-conforming lot size and dimensions. Staff notes that expansion of the garage is difficult without significant reconfiguration of the current layout of the home. The layout configurations of garages vary within the neighborhood. Some of these properties contain a similar two-car side-loading garage that meets the required front yard setbacks.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. *(Finding Not Met)*

Staff finds that the proposed garage encroachment will have a negative visual impact to the neighborhood. The new garage would be positioned closer to the street than any of the properties within the neighborhood.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. *(Finding Not Met)*

Staff is concerned that the proposal could set a precedent for future encroachment within the neighborhood. Although staff supports the desire for expansion of the home and to allow additional covered parking to meet Municipal Code Standards, alternative to meet these setback standards are available. Staff finds that granting the Variance would allow for special privileges as many of these nearby properties have been able to accommodate additional garage area while also meeting setback standards.

Recommended Conditions of Approval - Variance

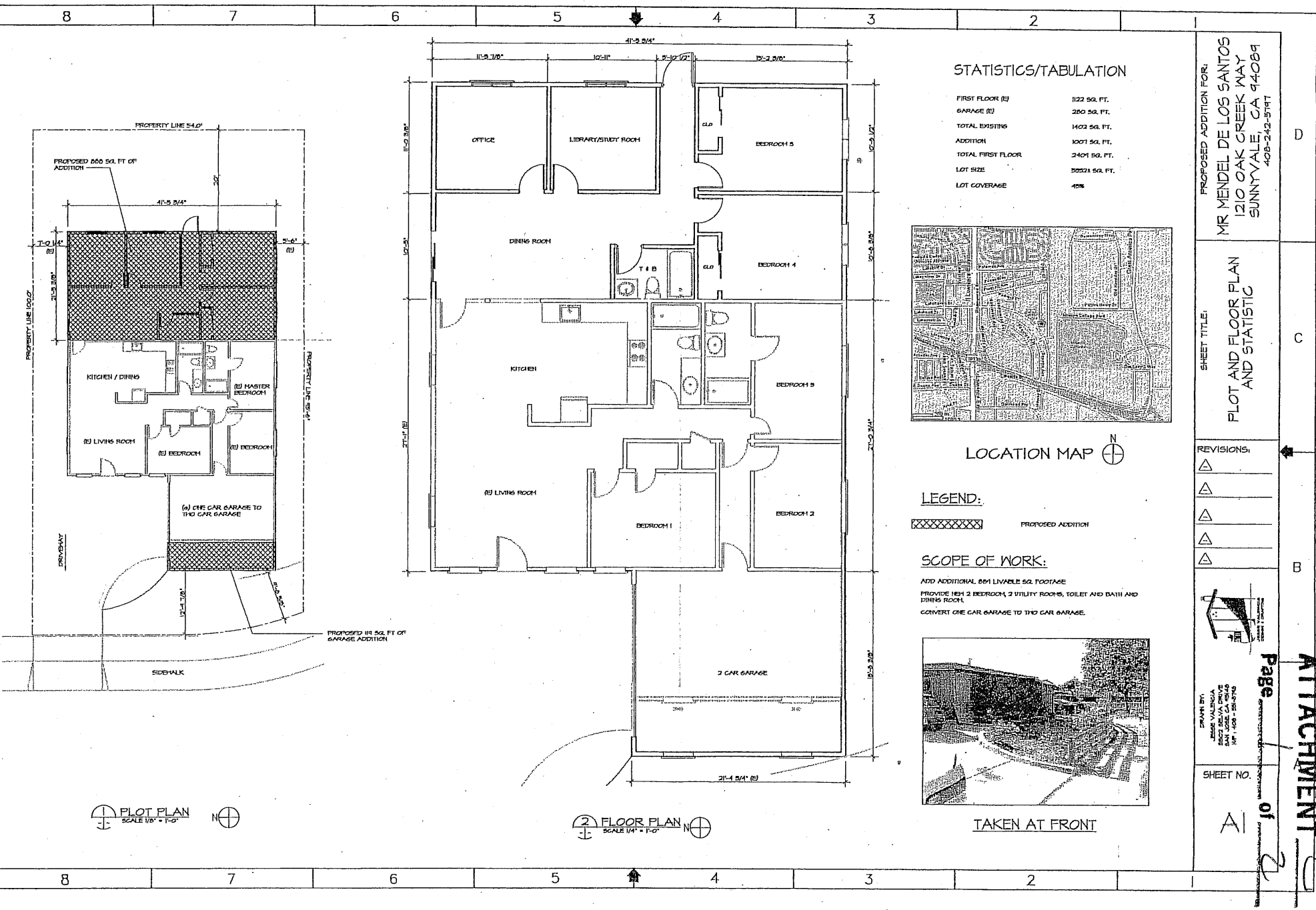
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

- A. The Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the proposed plan.
- E. The shed located at the front (southwest corner) shall be removed prior to approval of a building permit.
- F. The existing inoperable vehicles shall be removed from the property or be repaired to working condition.
- G. Reduce new paving where possible within the front yard but maintain required direct access for the two new garage spaces.

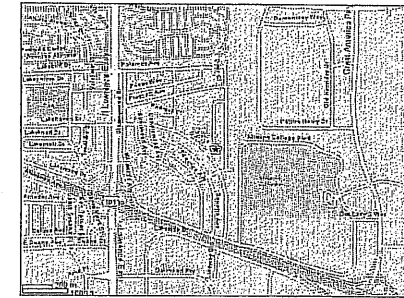
2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to issuance of a building permit.
- B. Roof material shall match the existing home or be 50-year dimensional composition shingle or equivalent warranty material providing texture and shadow effect, or as approved by the Director of Community Development.



STATISTICS/TABULATION

FIRST FLOOR (R)	1122 SQ. FT.
GARAGE (R)	280 SQ. FT.
TOTAL EXISTING	1402 SQ. FT.
ADDITION	1007 SQ. FT.
TOTAL FIRST FLOOR	2409 SQ. FT.
LOT SIZE	33521 SQ. FT.
LOT COVERAGE	45%



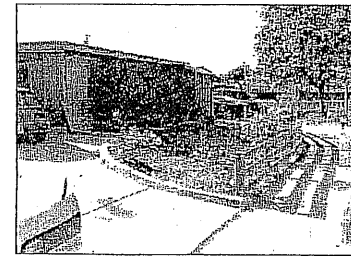
LOCATION MAP

LEGEND:

XXXXXX PROPOSED ADDITION

SCOPE OF WORK:

ADD ADDITIONAL 601 LIVABLE SQ. FOOTAGE
PROVIDE NEW 2 BEDROOM, 2 UTILITY ROOMS, TOILET AND BATH AND DINING ROOM.
CONVERT ONE CAR GARAGE TO TWO CAR GARAGE.



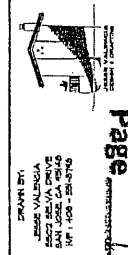
TAKEN AT FRONT

PROPOSED ADDITION FOR:
MR MENDEL DE LOS SANTOS
1210 OAK CREEK WAY
SUNNYVALE, CA 94089
408-242-5191

SHEET TITLE:
PLOT AND FLOOR PLAN
AND STATISTIC

REVISIONS:

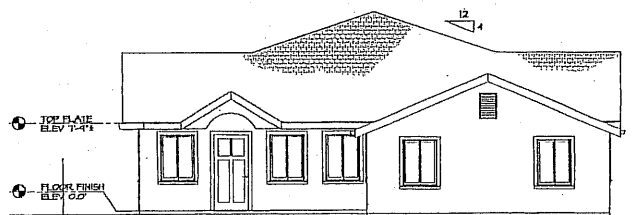
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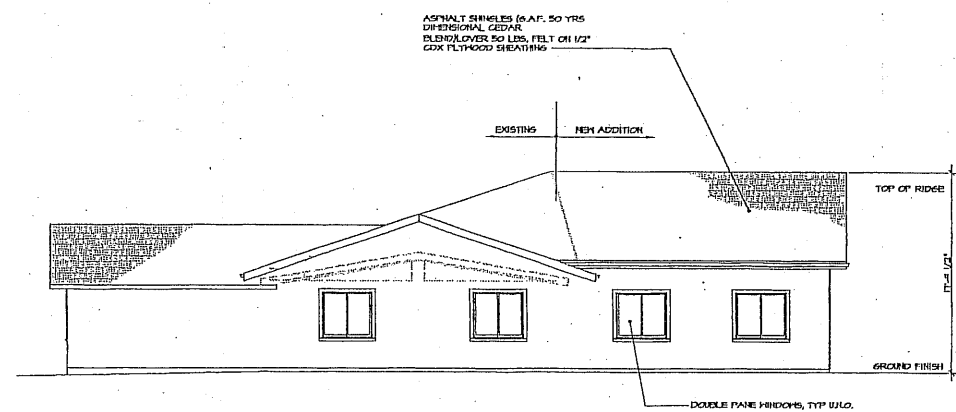
SHEET NO.

AI of 2

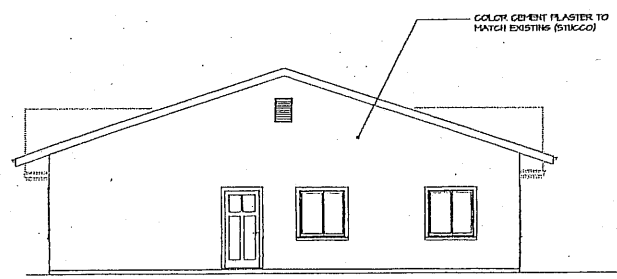
ATTACHMENT C



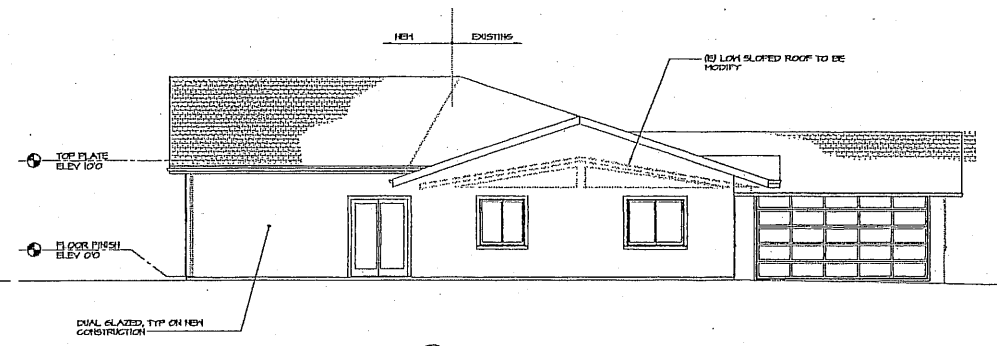
1 EAST ELEVATION
SCALE 3/16" = 1'-0"



3 SOUTH ELEVATION
SCALE 3/16" = 1'-0"



2 WEST ELEVATION
SCALE 3/16" = 1'-0"



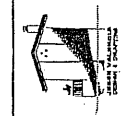
4 NORTH ELEVATION
SCALE 3/16" = 1'-0"

PROPOSED ADDITION FOR:
MR MENDEL DE LOS SANTOS
1210 OAK CREEK WAY
SUNNYVALE, CA 94089
408-242-5191

SHEET TITLE:
ELEVATIONS

REVISIONS:

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DRAWN BY:
JESSE VALDEA
3000 JENSEN AVE
SAN JOSE, CA 95128
HP 1-408-554-5745

SHEET NO.

A2

S U N N Y V A L E
California**VARIANCE JUSTIFICATIONS**

Justifications must be submitted by the applicant with all Variance applications. Use this sheet or a separate sheet of paper to complete all of the three statements below.

In granting a Variance, all of the following justifications must be made by the Planning Commission or the Administrative Hearing Officer:

19.84.050. Findings.

(a) A Variance from the requirements of this title, except for the height of a ground sign, shall be approved only upon a showing by the applicant that:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

MOST OF THE HOUSES IN THE AREA HAVE A 2-CAR GARAGE. THE OWNER ALSO HAS 2 CARS TO PARK.

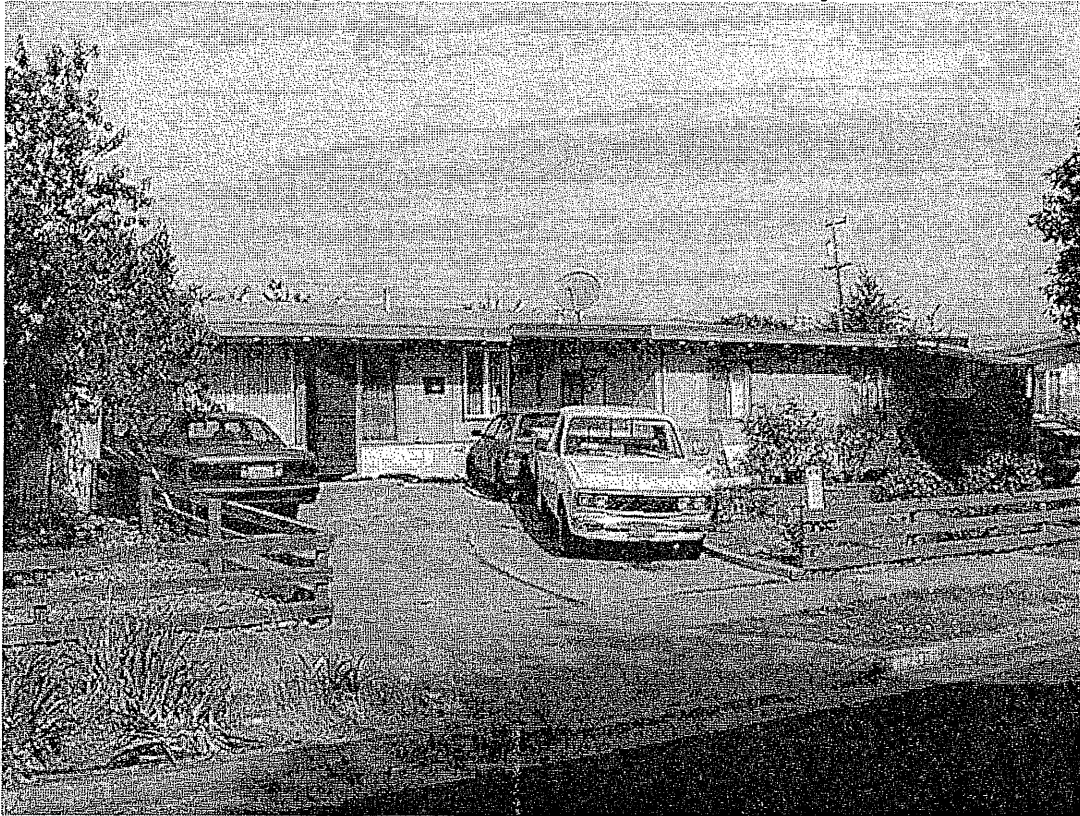
2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

THE PROPOSED GARAGE MODIFICATION WILL ENHANCED THE SURROUNDING NEIGHBORHOOD. SEE THE PROPOSED ELEVATIONS.

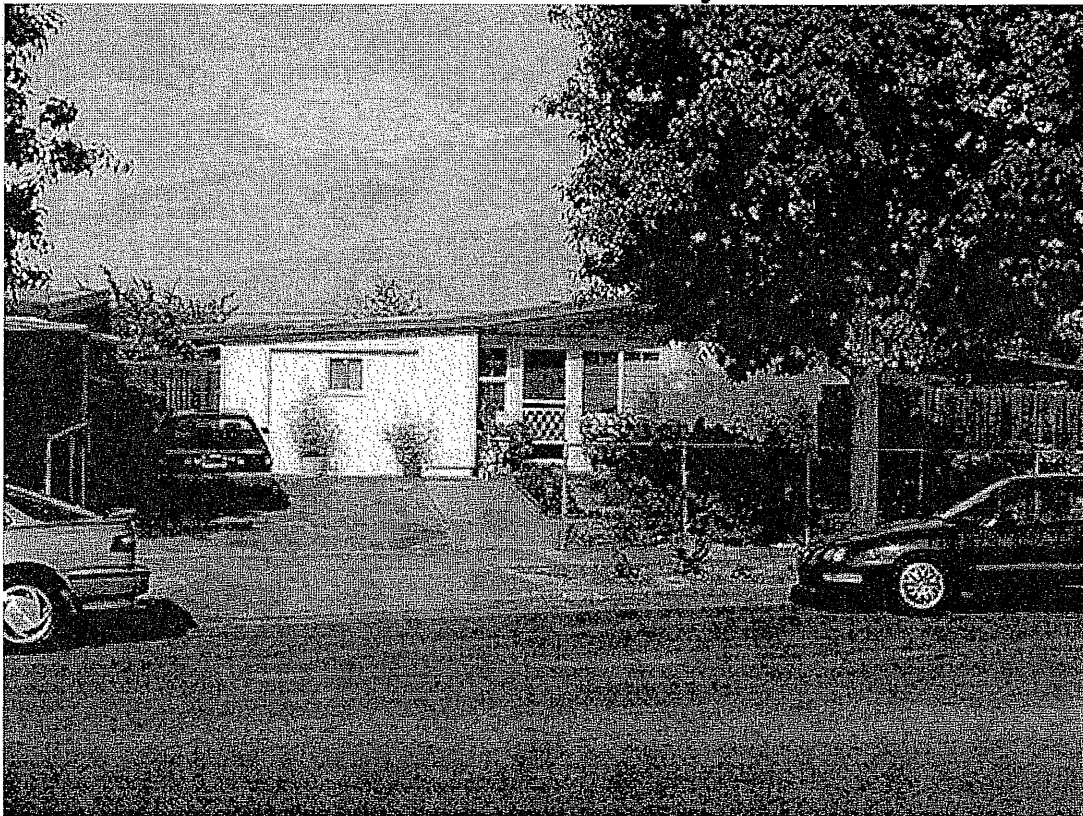
3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

THE SPECIAL PRIVILEGES GRANTED UNDER THIS VARIANCES IS LESS THAN THE SURROUNDING PROPERTIES.

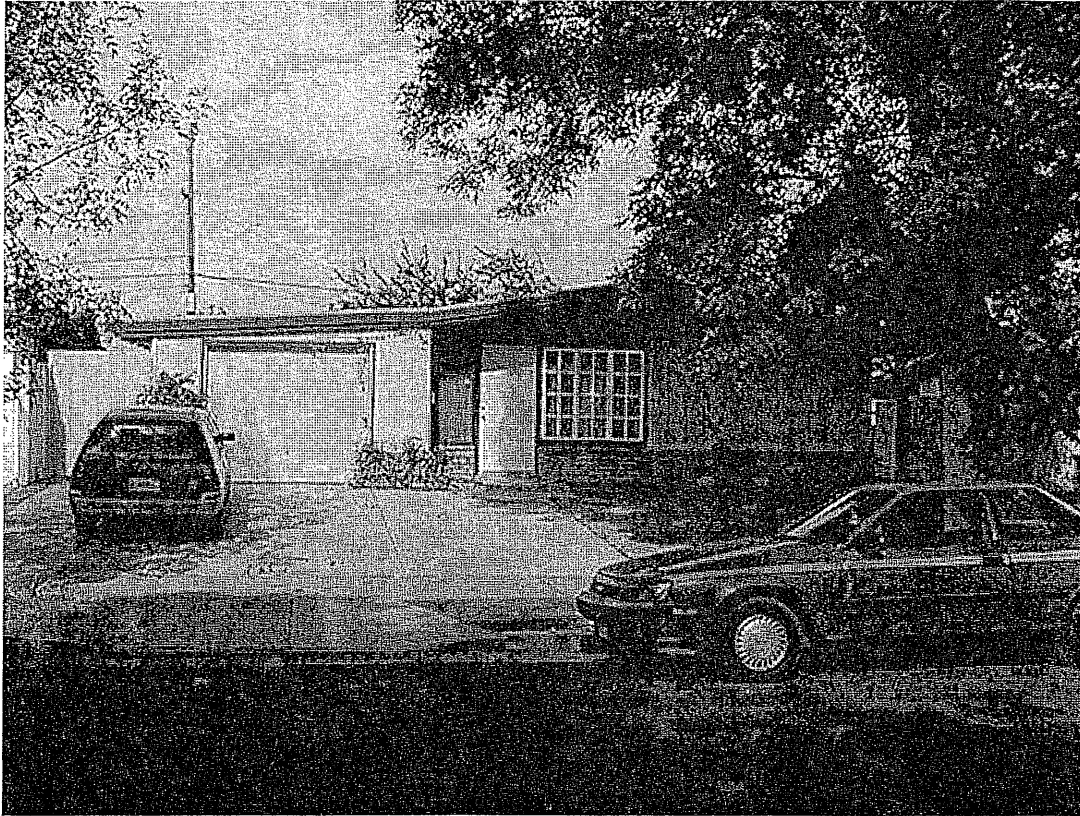
Subject Site - 1210 Oak Creek Way



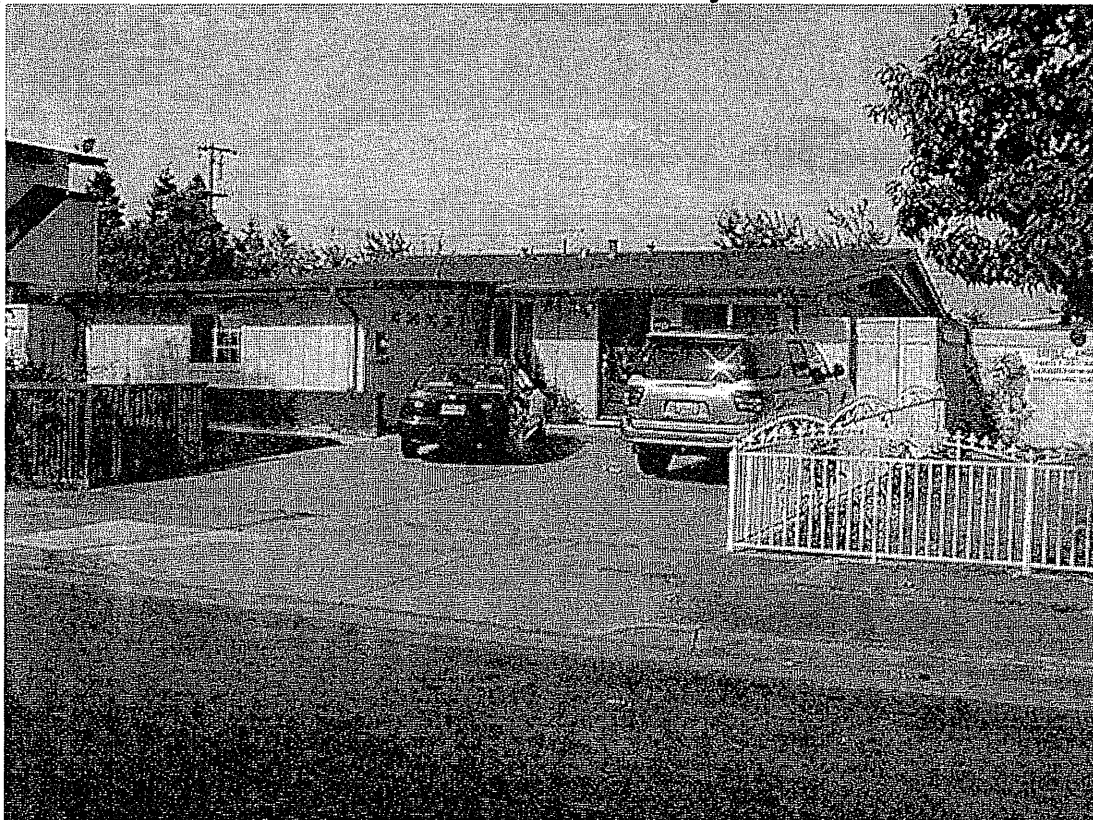
1208 Oak Creek Way



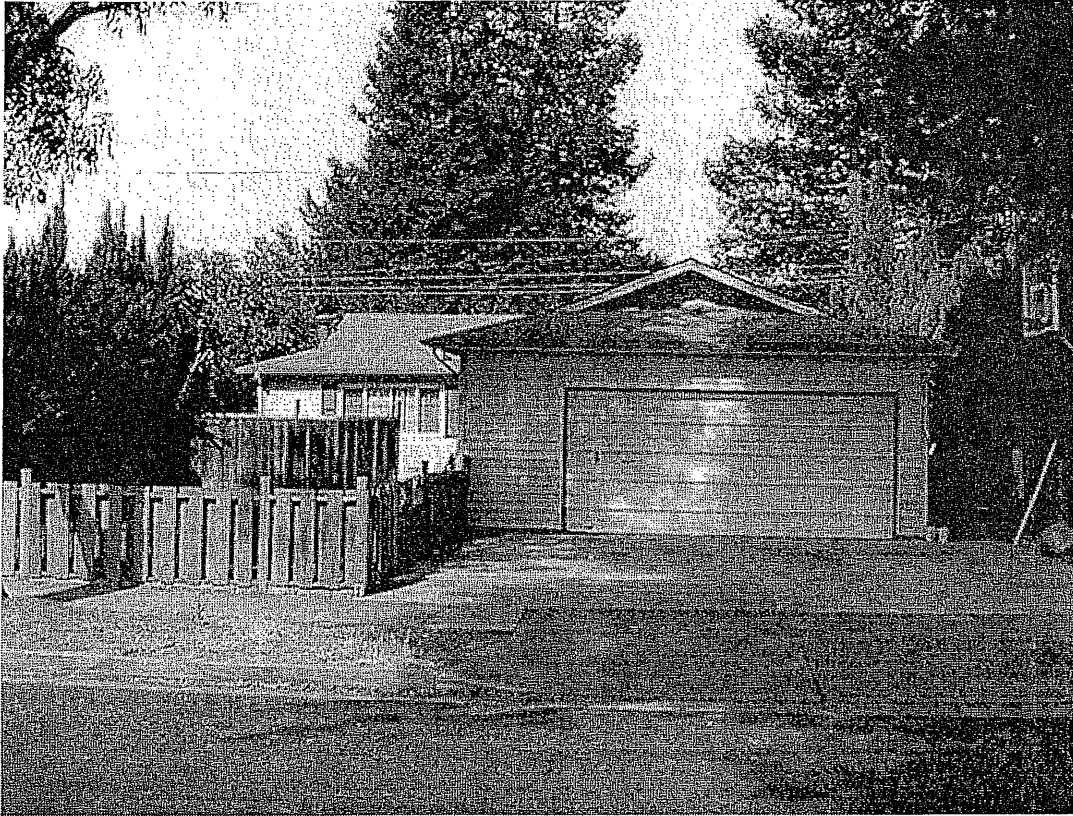
1212 Oak Creek Way



1216 Oak Creek Way



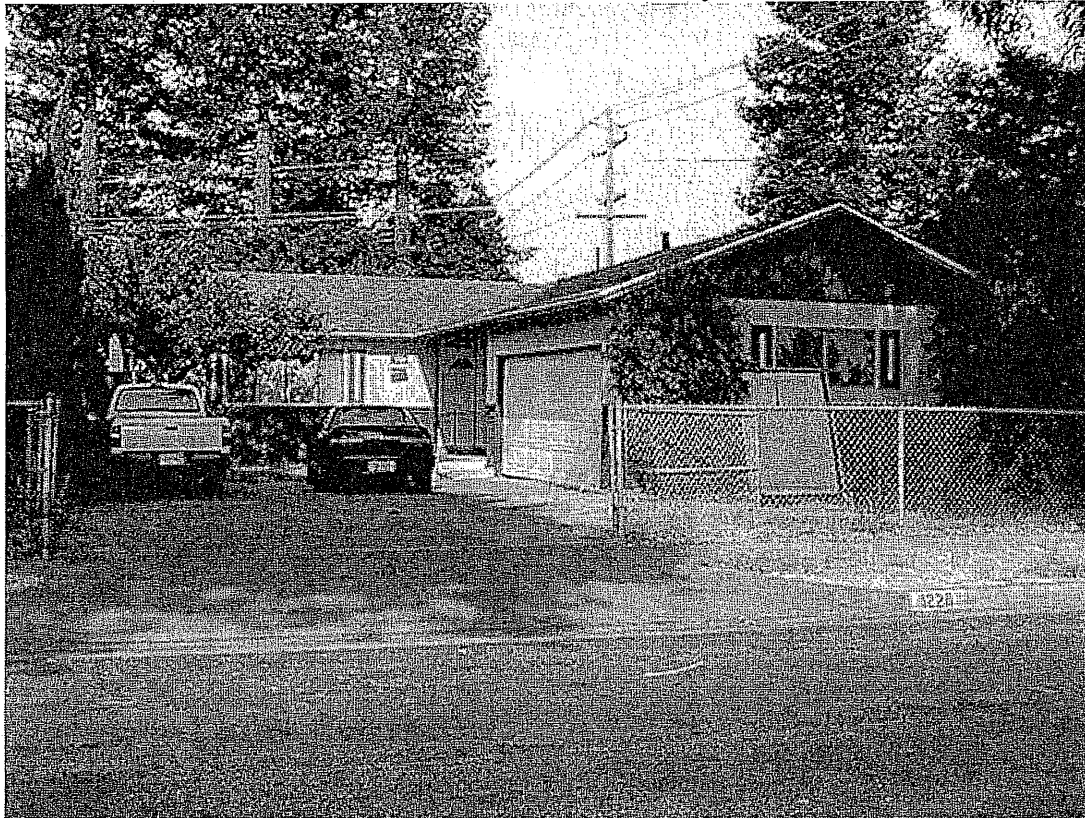
1232 Oak Creek Way



1209 Oak Creek Way



1228 Oak Creek Way



1229 Oak Creek Way

